

FILED
KENNETH J. MURPHY
CLERK

UNITED STATES DISTRICT COURT
SOUTHERN DISTRICT OF OHIO
WESTERN DIVISION

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UNITED STATES DISTRICT COURT
SOUTHERN DISTRICT OF OHIO
WEST DIVISION CINCINNATI

United States of America, *et al.*

Plaintiffs.

Sierra Club and Marilyn Wall

Plaintiff-Intervenors.

v.

Board of County Commissioners, Hamilton
County, Ohio, *et al.*

Defendants.

CASE NO: 1:02cv00107

JUDGE: S. Arthur Spiegel

MAGISTRATE JUDGE: Timothy S. Hogan

MOTION TO ADMIT ATTORNEY MICHAEL K. MURPHY PRO HAC VICE

The Defendants, by and through their trial attorney, Nee Fong Chin, hereby move this Honorable Court to admit Attorney Michael K. Murphy *pro hac vice* as co-counsel in this instant matter.

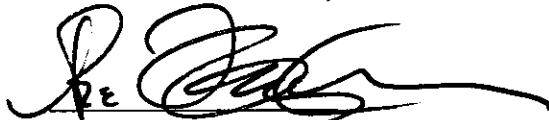
Local Rule 83.4(c) of the federal court of the Southern District of Ohio provides that, "[a]ny member in good standing of the bar of the highest court in any state, who is not otherwise eligible to become a member of the bar of this Court, may be permitted to appear and participate as counsel or co-counsel, upon motion of the trial attorney for any party. A motion for permission to appear *pro hac vice* should be accompanied by a current certificate of good standing by the highest court of any state, and the tender of a \$50 fee to the Clerk of the Courts." A *pro hac vice* application, a certificate of good standing, and the \$50 fee is attached hereto.

Generally, an out-of-state lawyer is permitted to practice *pro hac vice* before the federal district courts: (1) if the lawyer is admitted to the bar of the highest court in another state; (2) is a member in good standing of that bar, and (3) if the lawyer is associated with local counsel. *See generally, In re Rappaport*, 558 F.2d 87 (2d Cir. 1977). Mr. Murphy meets all these requirements.

For the reasons set forth above, this Honorable Court should admit Mr. Murphy *pro hac vice* as co-counsel in this matter with trial attorney, Nee Fong Chin.

Respectfully submitted,

Dated: November 19, 2003



Nee Fong Chin, Trial Attorney
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Hamilton County Prosecutor's Office
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For the Defendants

**UNITED STATES DISTRICT COURT
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United States of America, *et al.*

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PRO HAC VICE APPLICATION

I, Michael K. Murphy, hereby petition this Court for leave to appear on behalf of
Board of County Commissioners of Hamilton County, Ohio, The City of Cincinnati, and
Metropolitan Sewer District of Greater Cincinnati.

In support of this petition I hereby state:

My office address is: 1050 Connecticut Avenue, N.W.

Washington, D.C. 20036-5306

That I was admitted to practice before:

the State Bar of District of Columbia on 08/04/00

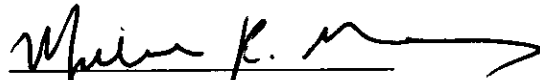
and am currently in good standing and eligible to practice in the said Court(s)

as evidenced by the attached certificate of good standing from

The District of Columbia Court of Appeals ;

That I am not currently suspended or disbarred by any other Court;

I declare under penalty of perjury that the foregoing is true and correct.

A handwritten signature in black ink, appearing to read "Michael K. Murphy", with a long horizontal flourish extending to the right.

Michael K. Murphy, Esq.

D.C. Bar # 468907

GIBSON, DUNN & CRUTCHER LLP

1050 Connecticut Avenue, N.W.

Washington, District of Columbia 20036

Telephone: (202) 955-8500

Facsimile: (202) 467-0539

CERTIFICATE OF SERVICE

The undersigned hereby certifies that a true copy of the foregoing Motion to Admit Attorney Michael K. Murphy *pro hac vice* was served on November 19, 2003, via First Class mail upon the following:

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